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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,131	10/25/2001	Robert Glenn Klinefelter	63015.801US01	1922
23935 7590 02/21/2007 KOPPEL, PATRICK & HEYBL 555 ST. CHARLES DRIVE SUITE 107 THOUSAND OAKS, CA 91360			EXAMINER OPSASNICK, MICHAEL N	
			ART UNIT	PAPER NUMBER
			2626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/057,131	<b>Applicant(s)</b> KLINEFELTER ET AL.	
	<b>Examiner</b> Michael N. Opsasnick	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,13-15,18 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,13-15,18 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments received 11/7/06 have been fully considered but they are not persuasive. As per applicant's rebuttal against the restriction requirement, examiner respectfully disagrees and points to the claims scope of claims 4-12, 16, and 17, which do not require an interpreter and therefore have different claims scope in a separate class/subclass classification, as noted in the office action mailed May 18, 2006.

Although applicant's have attempted to amend claims 19-21,27-29, examiner notes that these claims have been withdrawn, and as such, are not considered for further prosecution on the merits. Therefore, the claims remaining for prosecution on the merits are claims 1-3,13-15,19, and 22-26.

As per applicant's arguments against the 35 U.S.C. 112 1<sup>st</sup> paragraph, examiner respectfully disagrees and notes that the rejection pertains predominantly of having dual screen, microphones and camera into a single housing.

As per applicant's arguments against the 35 U.S.C. 112 2<sup>nd</sup> paragraph, examiner respectfully disagrees and notes that it is still unclear as to which computer the claimed means resides – is it the first user using a first computer, second computer, or provider computer (and comparatively, the second user using a first computer, second computer, or provider computer); as well as claim 13 pertaining to which computer the first/second user is interacting.

Please note the new art rejection below regarding the remaining claims.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not clear how the means for receiving and transmitting audio and visual information dual displays and microphones would be constructed and function within a single housing.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3 and 13 recites the limitation "the means for receiving and transmitting audio and visual information contained within a first user computer and a second user computer" in the first three lines of the claim. There is insufficient antecedent basis for this limitation in the claim. It is not clear as to which computer the means resides. In claim one, there is a user computer and provider computer communication audio and visual information, with both users

Art Unit: 2626

accessing the user computer, however, there is no mention of a second user computer interaction with the first user computer (just the provider computer in communication with the user computer). Since it is unclear to the claim scope of claim 3 and 13, the examiner will not attempt to interpret this claim language for art related examination purposes.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,2,14,15,18,22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (5926787) in view of Flores (6370498).

As per claims 1,22, Bennett (5926787) teaches a communications services network including multiple users/viewers(Fig. 1) receiving video information (Fig. 7) and audio translated information (col. 18 lines 18-25) wherein the users require interpretations to facilitate communication (col. 15 lines 24-44; the lawyers involved in the proceedings can request the area of case law that applies) comprising means for receiving and transmitting visual information between the provider computer and the user computer (Fig. 1,7, examiner notes that the interpreted information is available for both users on the screen -- Fig. 1, 7, 8 and col. 3 line 60 – col. 4 line 10).

Art Unit: 2626

As per claims 1,22, Bennett (5926787) does not explicitly teach the transmission of audio information as well (the optional speech input is translated using a speech recognizer and transmitted as text); however, Flores (6370498) teaches providing both text and audio in differing requested languages from original text (Fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art of interpretative services to enhance the system as taught by Bennett (5926787) with text and audio translation at each individual computer because it would advantageously provide for multi-lingual use as determined by the user (Flores (6370498), col. 3 lines 45-49).

As per claim 2, the combination of Bennett (5926787) in view of Flores (6370498) teaches plurality of users and audio and visual information (Bennett (5926787), fig 1), and in combination with Flores (6370498), the audio and visual information).

As per claims 14,15,18,23, the combination of Bennett (5926787) in view of Flores (6370498) teaches that the devices used are not limited to pc's (col. 8 lines 18-24, and networks for remote access – col. 18 lines 5-11).


As per claims 24-26, the combination of Bennett (5926787) in view of Flores (6370498) teaches the recording and visual presentation of the user/interpreter (Flores (6370498), fig. 5b, video1,2 information).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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primary examiner  
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02/17/07